

11-08-10

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PTO/SB/85 (03-09)

Approved for use through 03/31/2012. OMB 0651-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

Docket Number (Optional)  
**MAO PTO 1.1**

Mail to: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450  
Fax: (571) 273-8300

**RECEIVED**

11/16/2010 DALLEN 00000001 5788574

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**NOV 17 2010**

**OFFICE OF PETITIONS**

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent Number: 5,788,574

Application Number: 08/532,965

Issue Date: 4 AUGUST, 1998

Filing Date: 22 SEPTEMBER, 1995

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable:

The above-identified patent:

- ☐ is a reissue of original Patent No. \_\_\_\_\_ original issue date \_\_\_\_\_  
original application number \_\_\_\_\_  
original filing date \_\_\_\_\_
- ☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application  
\_\_\_\_\_ filed on \_\_\_\_\_

2010 NOV 12 PM 5:15

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is

(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 OR

(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

NOV. 5, 2010  
Date

[Signature]  
Signature

STACEY J. PERRY  
Typed or printed name of person signing Certificate

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## 1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27

## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input type="checkbox"/> \$ _____	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input type="checkbox"/> \$ _____	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input checked="" type="checkbox"/> \$ <u>8055</u>	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 2055.00

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ 700.00 (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.SURCHARGE FEE BEING SUBMITTED \$ 700.00

## 5. MANNER OF PAYMENT

☒ Enclosed is a check for the sum of \$ 2755.00☐ Please charge Deposit Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_☐ Payment by credit card. Form PTO-2038 is attached.

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. \_\_\_\_\_

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 7. OVERPAYMENT

As to any overpayment made, please

☐ Credit to Deposit Account No. \_\_\_\_\_

OR

☒ Send refund check

## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

## 8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

## 9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

Staley J. Perry, PRESIDENT  
Signature(s) of Petitioner(s)

NOV 5, 2010  
Date

STALEY J. PERRY PRESIDENT MADING  
Typed or printed name(s)

Registration Number, if applicable

1636 POPPS FERRY RD, SUITE 224  
Address

(228) 354-8829  
Telephone Number

BILOXI, MS 39532  
Address

## ENCLOSURES:

- ☒ Maintenance Fee Payment  
☒ Statement why maintenance fee was not paid timely  
☒ Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)  
☒ Other:

ATTACHMENTS IN SUPPORT OF ASSERTIONS MADE IN STATEMENT:  
 A-1; A-2; B-1; B-2 (8 PGS);  
 PTO SB/96

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

Stacey J. Perry, PRESIDENT  
Signature

NOV 5 2010  
Date

STACEY J. PERRY, PRESIDENT MWO INC.  
Type or printed name

\_\_\_\_\_  
Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

PLEASE SEE ATTACHED STATEMENT LABELED  
"STATEMENT SUPPORTING PETITION TO ACCEPT FEES UNDER  
37 CFR 1.378(b)"

(Please attach additional sheets if additional space is needed)

COPY  
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ASSIGNMENT

WHEREAS, Marvin A. Ornstein, a citizen of the United States of America, residing at 605 Porter Street, Ocean Springs, Mississippi, 39564 (hereinafter referred to as "ASSIGNOR") has invented certain patented casino game improvements known as : 1.) "Method and Apparatus for Playing a Betting Game Including Incorporating Side Betting Which May Be Selected By A Game Player", protected under United States Patent Number 5,788,574 which issued on August 4, 1998.

Whereas, MAO Inc., a corporation of the State of Delaware, having its principal place of business at 605 Porter street, Ocean Springs, Mississippi 39564 (hereinafter referred to as "ASSIGNEE"), is desirous of acquiring all rights, title, and interest in and to said inventions and all patents granted thereto;


NOW THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is herein acknowledged, ASSIGNOR hereby sells, assigns and sets over to ASSIGNEE all rights, title and interest in and to said invention and the aforementioned original Patents for the United States of America and all other protected countries. In addition, the rights to all adjunct Patents whether Divisional, Continuation, Substitute, or Reissued in the United States of America and/or in any other country of Protective Issue.

NOW THEREFORE, the commissioner of Patents and Trademarks is hereby authorized and requested to assign all patents on said inventions or resulting therefrom to said ASSIGNEE, as said ASSIGNEE of the entire interest therein; and the ASSIGNOR, for itself and its legal representatives, heirs and assigns does hereby agree and convent without further remuneration to execute and deliver all Divisional Patents, Continuations, Reissue, and other applications for improvements to said Patents.

FURTHERMORE, The ASSIGNOR, for itself and its legal representatives, heirs and assigns does hereby agree and convent without further remuneration to testify in any interference or other legal proceedings in which any of said applications or patents may become involved, to sign all lawful papers, make all rightfull oaths, and to do generally everything necessary to aid ASSIGNEE, its successors, heirs, assigns or nominees to obtain patent protection for said improvements in all countries, the expenses incident to said application to be borne and paid by said ASSIGNEE.

Signed at Ocean Springs, MS, this 22<sup>nd</sup> day of September 1998,

By   
Marvin A. Ornstein

By   
Stacey J. Perry, for MAO Inc.

IN THE UNITED STATE PATENT AND TRADEMARK OFFICE



Inventor(s): Marvin A. Ornstein et al

Title: "METHOD AND APPARATUS FOR PLAYING A BETTING  
GAME INCLUDING INCORPORATING SIDEBETTING WHICH  
MAYBE SELECTED BY A PLAYER"

USSN: 08/532,965

Issued: August 4, 1998

US Patent No: 5, 788,574

Applicant's No. MAO-1.1

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OFFICE OF PETITIONS

Commissioner for Patents

STATEMENT  
SUPPORTING PETITION TO ACCEPT PAYMENT OF FEES  
UNDER 37 CFR1. 378(B)

This is a petition for the USPTO to accept delayed payment of the 11.5 year maintenance fee. A review of the USPTO patent system indicates that the patent is in a status of expiration for failure to pay maintenance fees. The Assignee of Record has not received a Notice of Fees Due. The Attorney of Record for the purposes of maintenance fees in this Patent, who does maintain a fee docketing system, did fail to notify the Assignee of Record of the maintenance fees due and/or forward any USPTO Notice(s) received on behalf of the Assignee of Record.

Attached is the affidavit of Ms. Stacey Perry, President of MAO, Inc., Assignee of the US Patent No. 5,788,574, which Affidavit is incorporated herein, labeled as USPATEENT 5,788,574 B-1 and referenced to. As sworn, the Assignee, MAO, Inc., did engage the Attorney of Record to aid in the prosecution and ongoing maintenance of the subject Patent. At a later date and after the subject Patent had issued the Assignee did engage the undersigned attorney to further the prosecution of its various other patents pending. At the time of the failure to pay maintenance fees for the Patent, the Attorney of Record had not changed and MAO Inc relied on that attorney's maintenance docketing system as its own.

At the directive of Mr. Morris, the new attorney hired by MAO Inc., the Assignee did file a Change of Power of Attorney for all pending Patents. At the same time MAO Inc filed a change of address Form for each of its patents and Patents Pending. The Assignee was not advised to file USPTO form SB 47: Fee Indication Form by Mr. Morris. The foregoing facts support the Assignee's assertion that the Attorney of Record's fee docketing system failed and caused the subject unintentional and unavoidable expiration.

Attached is the affidavit of Mr. Terry Morris, an Attorney Licensed to Practice before the USPTO, in the matter of MAO Inc's Docket failure regarding US Patent No. 5,788,574 which Affidavit is incorporated herein and referenced to. It is the testimony of Attorney Morris that he did not receive any USPTO Notification on behalf of the Assignee of Record in the matters of Maintenance Fees Due from the Attorneys of Record. Mr. Morris had deemed the subject file as inactive since the Issuance and Publication fees were paid, assuming that the Assignee of Record was using the Attorney of Record to maintain the Fee Docket.

It is the testimony of Ms. Perry that the Attorney of Record has not ever sent to the Assignee a severance letter, nor recommendation that USPTO form SB 47 be filed indicating another firm, attorney or party to maintain a maintenance fees docket on behalf of the Assignee.

The document attached herewith, labeled as "US Patent 5,788,574 A-1", the 7.5 USPTO Maintenance Fee Reminder, stamped "Received" and marked as "Forwarded" by the Attorney of Record, evidences the accepted responsibility of the Attorney of Record.

In summary, the Attorney of Record was retained to maintain this Patent and failed in its accepted responsibility, as further evidenced by a letter from the Attorney of Record to the Assignee of Record, Dated November 28, 2001, attached hereto and labeled "US Patent 5,788,574 A-2".

On October 15, 2010 MAO Inc, in anticipation of 2011 budgeting Perry specifically requested Attorney Morris prepare a timeline for all future fees due for all company owned Intellectual Property (US and International). Completion of this task triggered the undersigned Attorney to discover expiration of the subject Patent. That same day, the Assignee was appraised of the situation.

The Assignee of Record has relied on the docketing systems of its Attorney of Record to ensure patent law compliance and maintenance to protect its Intellectual Property Rights in this Patent's history and in the history of other Patents granted by the USPTO and Foreign Patent Offices. There has not ever before been a documented failure of the Assignee's Attorney of Record's Docketing System(s).

On Tuesday October 19, the President of the Assignee of Record did contact the Attorney of Record for an explanation regarding the evident failure to properly maintain the Assignee's Maintenance Fee Docket. The Attorney of Record's Intellectual Property Paralegal, Gayle Ruckstul, and Office Manager, Sally Pietzman, both spoke with Ms. Perry, President of the Assignee. The Office Manager promised to look into the Docketing System Failure and respond

promptly with an explanation to the Assignee. To date a response has not been received from the Attorney of Record.

In good faith, we request that the Intellectual Property rights of the Assignee of Record to US Patent No. 5,788,574 be restored. Attached herewith is SB/96 ensuring compliance with 37CFR3.73(b). The Applicants/Assignee now request that the enclosed check be accepted as payment in full for the Unavoidably Delayed Payment of 11.5 year Maintenance Fees and Surcharge as set forth in 1.20 (i)(1) .

Respectfully submitted,



Stacey J. Perry

President

MAO Gaming

1636 Popps Ferry Road, Suite 224

Biloxi, MS 39532

228-354-8828

228-331-0645 fax



**Volpe**  
and  
**Koenig**  
P.C.



Suite 400, One Penn Center  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103

Telephone: +1-215-568-6400  
Facsimile: +1-215-568-6499  
www.volpe-koenig.com



BRINGING LAW TO YOUR IDEAS

mail@volpe-koenig.com

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**OFFICE OF PETITIONS**

November 28, 2001

Mr. Marvin A. Ornstein  
MAO Gaming, Inc.  
605 Porter Street  
Ocean Springs, MS 39564

Re: File: MAO-PT001.1  
U.S. Patent No. 5,788,574  
*METHOD AND APPARATUS FOR PLAYING A BETTING  
GAME INCLUDING INCORPORATING SIDE BETTING  
WHICH MAY BE SELECTED BY A GAME PLAYER*

Dear Mr. Ornstein:

The first maintenance fee for maintaining this patent in force is now due and must be paid before February 4, 2002. If the maintenance fee is not paid, the patent will be unenforceable.

Our records reflect that small entity status (500 or fewer employees) has been established for paying reduced fees. The estimated cost for services and official fees is \$770 based on your status as a small entity. Please review the enclosed memorandum and advise us if there has been a change in your status. If you are uncertain, please call us to discuss the issue.

This matter is docketed for payment by January 4, 2002. We hereby require a retainer check of \$770 as authorization to proceed with this payment. If we receive your instructions with the retainer by January 4, 2002, you may apply a discount of \$50 to the retainer amount indicated above. In the event that you wish to proceed differently, please return the enclosed copy of this letter after completing the instruction section below. For your convenience, a self-addressed envelope is also enclosed.

pg 1 of 8

Mr. Marvin A. Ornstein  
Page 2

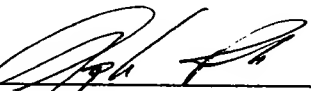
November 28, 2001  
MAO-PT001.1

Upon payment of this maintenance fee we will docket this case for a reminder regarding payment of the second maintenance fee which will be due to be paid by February 4, 2006.

Very truly yours,

My instructions are:

Volpe and Koenig, P.C.

By   
Gayle Ruckstuhl  
Intellectual Property Paralegal

- ☐ Pay the fee as a small entity.
- ☐ Change entity status and pay the fee as a large entity.
- ☐ Pay the fee on \_\_\_\_\_.
- ☐ DO NOT pay the fee, allow the patent to lapse, and close the file.
- ☐ Other (specify) \_\_\_\_\_.

GER/  
Enclosures (3)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT 5,788,574 A-2

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AM/PM

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

PAYOR NUMBER  
3624



MAR 10 2006

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VOLPE AND KOENIG, P.C.  
UNITED PLAZA, SUITE 1600  
30 SOUTH 17TH STREET  
PHILADELPHIA PA 19103

VOLPE & KOENIG, PC

NOV 17 2010

02/22/06 OFFICE OF PETITIONS

# MAINTENANCE FEE REMINDER

According to the records of the U.S. Patent and Trademark Office (USPTO) the maintenance fee for the patent(s) listed below (for which the above address is on record as the fee address under 37 CFR 1.363) has not been paid within the six-month period set forth in 37 CFR 1.362(d). THE MAINTENANCE FEE MAY STILL BE PAID WITH THE APPLICABLE SURCHARGE SET FORTH IN 37 CFR 1.20(h), WITHIN THE SIX-MONTH GRACE PERIOD SET FORTH IN 37 CFR 1.362(e).

Unless payment of the maintenance fee and the applicable surcharge is received in the USPTO within the six-month grace period, THE PATENT WILL EXPIRE AS OF THE END OF THE GRACE PERIOD. 35 U.S.C. 41(b).

The total payment due is the amount required on the date the fee is paid (and not necessarily the amount indicated below). All USPTO fees (including maintenance fees) are subject to change. Customers should refer to the USPTO Web site (www.uspto.gov) or call the Maintenance Fee Branch at 703-308-5068/5069 for the most current fee amounts for the correct entity status before submitting payment. The total payment due indicated below is based on the entity status according to current Office records (shown below).

Timely payment of the total payment due is required in order to avoid expiration of the patent. A maintenance fee payment can be timely made using the certificate of mailing or transmission procedure set forth in 37 CFR 1.8.

PATENT NUMBER	FEE MAINT. AMT SURCHG	U.S. APPL NUMBER	PATENT ISSUE DATE	APPL. FILING DATE	PAY- MENT YEAR	SMALL ENTITY?	TOTAL PYMT DUE	ATTORNEY DOCKET NUMBER
5788574	1150 65	08532965	08/04/98	09/22/95	8	YES	1215	ORNSTEIN-3-0

MAO-PTOOL

The maintenance fee and the applicable surcharge can be paid quickly and easily over the Internet at www.uspto.gov by electronic funds transfer (EFT), credit card, or USPTO deposit account payment methods. The mailing address for all maintenance fee payments not electronically submitted over the Internet is: United States Patent and Trademark Office, P.O. Box 371611, Pittsburgh, PA 15250-1611.

Direct any questions about this notice to: Mail Stop M Correspondence, Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

NOTE: This notice was automatically generated based on the amount of time that elapsed since the date a patent was granted. It is possible that the patent term may have ended or been shortened due to a terminal disclaimer that was filed in the application. Also, for any patent that issued from an application filed on or after June 8, 1995 containing a specific reference to an earlier filed application or applications under 35 U.S.C. 120, 121, or 365(c), the patent term ends 20 years from the date on which the earliest such application was filed, unless the term was adjusted or extended under 35 U.S.C. 154 or 156. Patentee should determine the relevant patent term for a patent before paying the maintenance fee.



**PATENT 578854 B-1**

**AFFIDAVIT OF Stacey J. Perry**

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STATE OF MISSISSIPPI

**NOV 17 2010**

COUNTY OF HARRISON

**OFFICE OF PETITIONS**

Personally appeared before me the undersigned authority in and for the aforesaid jurisdiction the within named Stacey J. Perry, who, after being duly sworn, stated under oath that the following is true and correct to the best of her knowledge, information and belief.

1. I am the President of MAO, Inc. and have been since October 10, 2001.

2. MAO Inc, is the Assignee of Record for US Patent 5,788,574

3. In 1995, MAO, Inc. retained Attorney Lou Weinstein, who later became a member of the law firm Volpe and Koenig to register, protect and maintain a fee docket for its intellectual property. In November of 2001, Volpe and Koenig sent their notice to MAO that the first maintenance fee was due before February 4, 2002. The correspondence is attached herewith as Exhibit A-1.

4. In October of 2004 MAO Inc engaged Attorney Terry B. Morris, Registration Number 32,345, to further the prosecution of MAO's patents pending but not to maintain a maintenance fee docket. At Attorney Morris' directive, a Change of Attorney Form for all company Patents pending was filed with the USPTO. About that time MAO Inc. moved its offices, so a change of correspondence address for all Patents and patents pending was also filed with the USPTO.

5. MAO Inc has not ever been directed by Volpe and Koenig to file USPTO Form SB47: USPTO Change of Fee Notification Address. Nor, has MAO Inc ever received a Severance Letter from Volpe and Koenig.

6. Volpe and Koenig does maintain a fees docketing system and has a paralegal specifically assigned to maintaining that system.

7. Volpe and Koenig did forward a notification of Fees Dues for this Patent in 2006, resulting in the payment of the 7.5 year maintenance fees for US Patent 5,788, 574. (Attachment herewith labeled A-2).

8. Volpe and Koenig was listed on February 4, 2010 as Attorney of Record for US Patent 5,788,574. Volpe and Koenig failed to notify MAO Inc of the 11.5 yr. Maintenance Fee due and therefore caused the unintentional and unavoidable failure to pay 11.5 year maintenance fees.

9. In consideration of MAO's 2011 budget, on October 15, 2010, I requested that Attorney Morris create a listing of all future annuity due dates and anticipated Patent Office Actions. . That very day MAO learned that US Patents 5,788, 574 and US. Patent RE37, 588 had both expired.

10. On October 19, I did contact the office of Volpe and Koenig. I spoke with both, Gayle Ruchstul (the Paralegal responsible for the client Fee Docketing System) and Sally Pietzman, the Office Manager. The paralegal immediately reeognized me as a client and referred me to the Office Manager, to whom I inquired as to the cause of the fee payment failure. She took the patent number and file number and denoted that either she or one of the Attorneys would get back to me. To date, there has been no response from Volpe and Koenig. The failure to respond to my inquiry is problematic, causing a week delay in preparing the Petitions to Revive.


11. For the Record, MAO Inc. has filed simultaneously another USPTO Petition to Revive under CFR1.378 for US. Patent RE37,588.

11. The office of MAO, Inc has been located at 1636 Popps Ferry Road since April 17, 2002. To date MAO Inc, or its principals, officers, or employees have not received any notifications regarding maintenance fees or patent expiration in this matter.

12. Attorney Morris states that he has not received any communication regarding maintenance fees in this application.

13. Contrary to the apparent expiration of the subject Patent, MAO, Inc did act responsibly by hiring a patent law firm that did maintain a fee docketing system for its clients. The fact that MAO Inc hired Attorney Morris to continue prosecution of Patents Pending filed by Volpe and Koenig had no effect on the monitoring of Patents issued wherein Volpe and Koenig remained Attorney of Record and had accepted reminder docket responsibility. MAO Inc had no evidence that using Volpe and Koenig as an external fee docking system would fail. Therefore the failure to pay maintenance fees was clearly unintentional and unavoidable.

I hereby attest to the foregoing, on this 20<sup>th</sup> day of October, 2010.



---

By: Stacey J. Perry



US PATENT 5788574 B-2

IN THE UNITED STATE PATENT AND TRADEMARK OFFICE

Inventor(s):

Marvin A. Ornstein et al

Title:

"METHOD AND APPARATUS FOR PLAYING A BETTING GAME  
INCLUDING INCORPORATING SIDEBETTING WHICH MAYBE SELECTED BY A  
PLAYER"

USSN:

08/532,965

Issued:

August 4, 1998

US Patent No:

5, 788,574

Applicant's No.

MAO-1.1

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OFFICE OF PETITIONS

To the Commissioner for Patents:

DECLARATION OF TERRY B. MORRIS

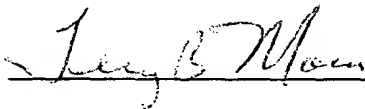
Terry B. Morris hereby declares that :

1. I am Terry B. Morris, registered patent attorney under Registration Number 32,345.
2. I have been retained by MAO, Inc., to represent it on various patent matters since 2004, dealing primarily with patent prosecution and potential litigation, but not for maintenance fee docket purposes.
3. During my handling of patent matters for MAO, Inc., I considered US Patent 5,788,574 as inactive for the purposes of my representation since the Issuance and Publication fees were paid and maintenance fees tracking were assumed within the activity of the Assignee of Record was using the Attorney of Record to maintain the Fee Docket.
4. I was retained by Petitioner MAO, Inc., on October 15, 2010, to prepare a timeline for all future fees due for all of MAO's intellectual property (US and International).
5. On October 15, 2010, and during this review, I learned that US Patent 5,788,574 was designated on the internet records of the United States Patent and Trademark Office as expired for failure to pay maintenance fees.

6. Subsequently on October 15<sup>th</sup>, I inform Ms. Stacey Perry of MAO, Inc. of the discovered status of expiration for US Patent 5,788,574.
7. I have no recollection of any notice prior to October 15, 2010, of the maintenance fees due or indication of the pending expiration or expiration of US Patent 5,788,574 for failure to pay maintenance fees and, on information and belief, I do not believe that either I, personally, or my business office did receive any United States Patent and Trademark Office Notification in the matter of Maintenance Fees Due from either the United States Patent and Trademark Office or the Attorneys of Record.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and believe to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001.

So declared, this 4th day of November, 2010.



---

Terry B. Morris, Reg. No. 32,345